

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KEITH HENDERSON,

Plaintiff,

v.

ROBERT TOOLE et al.,

Defendants.

3:14-cv-298-RCJ-WGC

TRANSFER ORDER

I. DISCUSSION

Plaintiff, a prisoner in the custody of the Georgia Department of Corrections, has submitted a 42 U.S.C. § 1983 civil rights complaint and has filed an application to proceed *in forma pauperis*. (ECF No. 4, 4-1).

In the complaint, Plaintiff sues multiple defendants for events that took place at the Georgia State Prison in Reidsville, Georgia, in Tattnall County. (ECF No. 4-1 at 1). Plaintiff sues Defendants Robert Toole at the Georgia State Prison; the Honorable Bishop in Blakely, Georgia; Jose Morales at the Johnson State Prison in Wrightsville, Georgia; Sheila Oubreet at the Baldwin State Prison in Milledgeville, Georgia; and Jaccobs Claytontrun at the Hay State Prison in Georgia. (*Id.* at 2-3). Plaintiff sues defendants for various events that took place within the different Georgia prisons. (*See id.* at 4-6).

Pursuant to 28 U.S.C. § 1391(b), a civil action may be brought in:

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;

(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or

(3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. § 1391(b)(1)-(3).

The Court finds that Plaintiff may not file this civil rights action in the U.S. District Court for the District of Nevada. Based on the complaint, no defendants reside in Nevada and no events took place in Nevada. Instead, all of the defendants and all of the alleged events take place in Georgia.

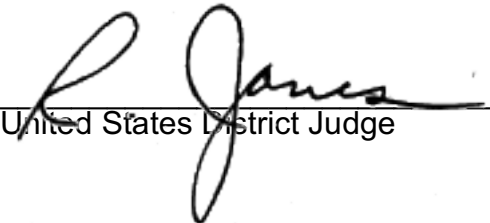
Pursuant to 28 U.S.C. § 1406, “[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). The Court now orders that this case be transferred to the U.S. District Court for the Southern District of Georgia, Statesboro Division.

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that this case be transferred to the U.S. District Court for the Southern District of Georgia, Statesboro Division.

IT IS FURTHER ORDERED that the Clerk of the Court shall close this case.

DATED: This 9th day of September, 2014.


United States District Judge